ORIGINAL

0000177834

Warren Woodward
200 Sierra Road
Sedona, Arizona 86336
928 862 2774
w6345789@yahoo.com

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS
DOUG LITTLE, CHAIRMAN
BOB BURNS
TOM FORESE
BOB STUMP
ANDY TOBIN

IN THE MATTER OF THE APPLICATION OF ARIZONA PUBLIC SERVICE COMPANY FOR A HEARING TO DETERMINE THE FAIR VALUE OF THE UTILITY PROPERTY OF THE COMPANY FOR RATEMAKING PURPOSES, TO FIX A JUST AND REASONABLE RATE OF RETURN THEREON, TO APPROVE RATE SCHEDULES DESIGNED TO DEVELOP SUCH RETURN.	DOCKET # E-01345A-16-0036 **REPLY TO ARIZONA PUBLIC SERVICE COMPANY'S RESPONSE TO WOODWARD'S MOTION TO COMPEL COMPLIANCE WITH FEBRUARY 6, 2017 PROCEDURAL ORDER**
IN THE MATTER OF FUEL AND PURCHASED POWER PROCUREMENT AUDITS FOR ARIZONA PUBLIC SERVICE COMPANY	DOCKET # E-01345A-16-0123

Warren Woodward ("Woodward"), Intervenor in the above proceeding, hereby replies to Arizona Public Service Company's Response ("Response") to Woodward's

February 28, 2017 Motion ("Motion") to Compel Compliance.

The Response by Arizona Public Service Company ("APS") is completely without merit because it relies entirely on Rule 34 of the Arizona Rules of Civil Procedure. Rule 34 deals with and controls "Producing Documents, Electronically Stored Information, and Tangible Things, or Entering Onto Land, for Inspection and Other Purposes." In the data requests in question in this matter, Woodward 2.2 and 2.5, Woodward did not request the production of any document, electronically stored information or tangible things. Nor did Woodward seek to enter onto land for inspection or other purposes.

Woodward's as yet unanswered data requests in this matter are essentially interrogatories, and so Rule 33 applies, not Rule 34 which APS has misapplied. Under Rule 33, Woodward has rightfully sought facts and information – *not* documents – that have been repeatedly denied him by APS.

It is worth noting here that, over the years, APS has told two distinctly different stories regarding its Elster "smart" meter transmissions. At the March 23, 2012 ACC "smart" meter workshop meeting, APS employee Michael Gogan declared unequivocally that "What the vendor actually states is that on average they communicate 15 minutes a day." (See Exhibit A.) In its supplemental response, APS reduced that average time to a mere 17 seconds. (See Response, Attachment A, page 3.) So, just as APS needs to be reminded of the correct Rules of Civil Procedure, APS needs to be reminded that it is under oath in this proceeding. In short, it's time for APS to start

telling the truth.

It is worth reiterating here that both PG&E and the Sacramento Municipal Utility District (which uses the same Landis & Gyr meter as APS) were both able to determine the number of their "smart" meter transmissions when pressed. So, it is both doable and reasonable (per Rule 33 and ACC Decision 75047) for APS to do so as well.

It is also worth reiterating here that if APS is unable to comply with the ACC's February 6, 2017 Procedural Order in this case, Woodward's Motion (at p. 5) offers two possibilities for resolution and compliance.

For all the reasons set forth herein as well as in Woodward's Motion, APS must be compelled to comply with the ACC's February 6, 2017 Procedural Order in this case by fully answering, without further delay, Woodward's data requests 2.2 and 2.5.

RESPECTFULLY SUBMITTED this 6th day of March, 2017.

By 

Warren Woodward
200 Sierra Road
Sedona, Arizona 86336

Original and 13 copies of the foregoing hand delivered on this 6th day of March, 2017 to:

Arizona Corporation Commission
Docket Control
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing mailed/e-mailed this 6th day of March, 2017 to:

Service List

EXHIBIT A

Transcript of Michael Gogan at the ACC March 23, 2012 ACC "Smart" Meter Workshop Meeting. From 5:08 at the ACC video archives.

Michael Gogan, APS. I'd like to speak to the gentleman's, uh, questions, quite a few of them. Actually I'll start with the last ones that he had. Um, our meters do, uh, notify us. We don't pull for things like outage, voltage thresholds when the voltage falls below or above a certain threshold, or tamper alerts. Those things come to us just as he suggested. When the meter detects them, it sends that, uh, information to us. Um, relative to the amount of times that the, um, meter transmits, per day, uh, APS actually went to the expense to build a Faraday room. So that's a room that shields all RF, so the only RF that we're measuring is the RF that's inside of that room, and we tested the meters to ensure they're doing what the vendor, uh, states they're doing, and effectively the way, uh, the pulses happen with our meters is once every fifteen minutes there's a pulse, very, very short, and that's just setting the time on the meter. That's making sure all meters in the network have the exact same time. Since our rates are time based, we need to make sure the times are accurate on the meters. Uh, 8 times a day for a second or so, uh, the interval data, so the hourly data or 15 minute data for commercial meters, is sent up, a second or so of transmission, and 6 times a day register reads, so the read that you would read over the fence if you were actually looking at the meter. That information is sent up. Effectively, those are the communications for our meters. We also did take, um, a Narda device, um, and do the measurements of the RF, uh frequent... uh, emissions that were coming off the meter and that's what we used for the information that we've, um, put into docket and provided to the ACC, uh, we previously spoke to on, uh, the September 8th, uh, workshop. So we have, uh, not just taken the vendor's, uh, information and walked away and assumed it's accurate. We did go through the time and expense to, to verify that what they're saying is actually what is being produced, and when we did our calculations relative to RF we assumed that the worst case scenario: the radio is broken and stuck on. And that's, uh, how we did our calculations so we assumed it's calc... , it's, uh, transmitting 100% of the time, and that is still a significantly low as, as um, um, Tom, um, mentioned earlier in the 3 to .1 – something in that range – percent of the FCC limits, assuming it was on all the time but, as you've heard from how it actually communicates, the meters communicate very few, uh, a minute or so a day. What the vendor actually states is that on average they communicate 15 minutes a day. They say that's a very high, uh, estimate, and the reason why is it is a mesh network. So meters talk to meters. So if one meter ….. let's assume that a meter, each meter on its own communicates for one minute a day. Well, if I am serving 3 other meters, I'm going to communicate for 4 minutes, 1 minute to pass those 3 and 1 minute for myself and the average in the system, uh, which is hard to actually quantify, uh, accurately, um, because it is a mesh network and it, and it changes around, is, um, estimated by the vendor at about 15 minutes a day on the high side.